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In re Application of JAMMAL et al
U.S. Application No.: 09/646,728
Int. Application No.: PCT/US99/05978
Int. Filing Date: 19 March 1999
Priority Date: 20 March 1998
Attorney Docket No.: 1807.0070001
For: SYSTEM, METHOD, AND COMPUTER
PROGRAM PRODUCT FOR ACCESSING
RISK WITHIN A PREDEFINED MARKET

DECISION ON PETITION

UNDER 37 CFR 1.137(b)

This is in response to applicants' "Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)" filed 21 September 2000.

BACKGROUND

On 19 March 1999, applicants filed international application PCT/US99/05978, which claimed priority of an earlier United States application filed 20 March 1998. A copy of the international application was communicated to the USPTO from the International Bureau on 23 September 1999. A Demand for international preliminary examination, in which the United States was elected, was filed on 14 October 1999, prior to the expiration of nineteen months from the priority date. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 20 September 2000.

International application PCT/US99/05978 became abandoned as to the United States at midnight on 20 September 2000 for failure to pay the basic national fee.

On 21 September 2000, applicants filed the present petition. The petition states that it is accompanied by, *inter alia*, a proper response under 35 U.S.C. 371, the petition fee set forth in 37 CFR 1.17(m), and a statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional."

DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

With regard to item (1), applicants have provided the required reply under 35 U.S.C. 371.

With regard to item (2), applicants have provided the required petition fee.

With regard to item (3), applicants have provided the required statement.

With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.137(b) is GRANTED.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision, including preparation and mailing of a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

Please direct further correspondence with respect to this matter to the Commissioner for Patents, Box PCT, Washington, D.C. 20231, and address the contents of the letter to the attention of the PCT Legal Office.



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